

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of	)	Confirmation No.: 4984
	)	
<b>John Hurd, et al.</b>	)	Group Art Unit: 3728
	)	
Appln. No.: 10/691,027	)	Examiner: Marie D. Patterson
	)	
Filed: October 21, 2003	)	Atty. Docket No.: 005127.00348
	)	
For: AN ENGAGING ELEMENT USEFUL	)	
FOR SECURING OBJECTS, SUCH AS	)	
FOOTWEAR AND OTHER FOOT-	)	
RECEIVING DEVICES	)	

**AMENDMENT**

U.S. Patent and Trademark Office  
Customer Service Window  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

Sir:

In response to the Office Action dated March 10, 2006, please amend the above-captioned patent application as follows:

No amendments to the **Abstract, Specification, or Drawings** are made by this paper.

**Amendments to the Claims** are reflected in the "Listing of Claims," which begins on page 2 of this paper.

**Remarks/Arguments** begin on page 8 of this paper.

### LISTING OF CLAIMS

This Listing of Claims will replace all prior versions and Listings of Claims in the application:

1. (Currently Amended) An element, comprising:

a bimodal spring member including an exterior edge, wherein the bimodal spring member is capable of maintaining a first stable position at which the exterior edge is located at a first position, and wherein the bimodal spring member is capable of maintaining a second stable position at which the exterior edge is located at a second position; ~~and~~

an arm extending from the exterior edge of the bimodal spring member, wherein the arm is located at an open position when the exterior edge is located at the first position, and wherein the arm is located at a closed position when the exterior edge is located at the second position; and

an arm/bimodal spring interface connecting between the bimodal spring member and the arm, wherein at least some portion of the arm/bimodal spring interface extends through an opening defined in the bimodal spring member when the arm is in the open position, and wherein the portion of the arm/bimodal spring interface that extends through the opening when the arm is in the open position does not extend through the opening when the arm is in the closed position.

Claim 2. (Canceled).

3. (Original) An element according to claim 1, further including:

a retaining element extending from the arm.

4. (Original) An element according to claim 3, wherein the retaining element defines a heel-capturing member.

5. (Currently Amended) An element according to claim 3, wherein the retaining element, the arm/bimodal spring interface, the arm, and the bimodal spring member form an integral unit.

Claims 6-8. (Canceled).

9. (Currently Amended) An element according to claim 6 1, wherein the arm/bimodal spring interface, the arm, and the bimodal spring member form an integral unit.

Claims 10-12. (Canceled).

13. (Currently Amended) An element according to claim 1, wherein the bimodal spring member is round or oval shaped ~~with an opening defined therein~~.

Claim 14. (Canceled).

15. (Currently Amended) A piece of footwear, comprising:

a shoe member; and

a foot-engaging element attached to the shoe member, wherein the foot-engaging element includes: (a) a bimodal spring member including an exterior edge, wherein the bimodal spring member is capable of maintaining a first stable position at which the exterior edge is located at a first position, and wherein the bimodal spring member is capable of maintaining a second stable position at which the exterior edge is located at a second position, ~~and~~ (b) an arm extending from the exterior edge of the bimodal spring member, wherein the arm is located at an open position when the exterior edge is located at the first position, and wherein the arm is located at a closed position when the exterior edge is located at the second position, and (c) an arm/bimodal spring interface connecting between the bimodal spring member and the arm, wherein at least some portion of the arm/bimodal spring interface extends through an opening defined in the bimodal spring member when the arm is in the open position, and wherein the portion of the arm/bimodal spring interface that extends through the opening when the bimodal spring member is in the open position does not extend through the opening when the bimodal spring member is in the closed position.

16. (Original) A piece of footwear according to claim 15, wherein the foot-engaging element forms an integral unit.

17. (Original) A piece of footwear according to claim 15, wherein the foot-engaging element further includes a foot-retaining element extending from the arm.

18. (Original) A piece of footwear according to claim 17, wherein the foot-retaining element defines a heel-capturing member.

Claim 19. (Canceled).

20. (Currently Amended) A piece of footwear according to claim 17, wherein the foot-retaining element, the arm/bimodal spring interface, the arm, and the bimodal spring member form an integral unit.

21. (Original) A piece of footwear according to claim 15, wherein the foot-engaging element is located at a heel portion of the shoe member.

22. (Original) A piece of footwear according to claim 15, wherein the foot-engaging element is located at a toe portion of the shoe member.

Claims 23-25. (Canceled).

26. (Currently Amended) A piece of footwear according to claim ~~23~~ 15, wherein the arm/bimodal spring interface, the arm, and the bimodal spring member form an integral unit.

Claims 27-29. (Canceled).

30. (Original) A piece of footwear according to claim 15, wherein the foot-engaging element, at least in part, connects a midsole of the shoe member to a footbed of the shoe member.

31. (Original) A piece of footwear according to claim 15, wherein the foot-engaging element, at least in part, connects an outsole of the shoe member to a midsole of the shoe member.

32. (Currently Amended) A piece of footwear according to claim 15, wherein the bimodal spring member is round or oval shaped ~~with an opening defined therein~~.

Claim 33. (Canceled).

34. (Currently Amended) A method of engaging a foot-receiving device with a user's foot, comprising:

orienting a bimodal spring member in a first stable position to place a foot-engaging portion of the foot-receiving device in a foot-accepting position, wherein the bimodal spring member includes a spring member having an exterior edge, an arm extending from the exterior edge, and the foot-engaging portion extending from the arm, and an arm/spring interface connecting between the spring member and the arm, wherein at least some portion of the arm/spring interface extends through an opening defined in the spring member when the bimodal spring member is in the first stable position; and

moving the bimodal spring member from the first stable position to a second stable position to thereby move the foot-engaging portion of the foot-receiving device to a foot-engaging position, wherein the moving includes moving the portion of the arm/spring interface that extends through the opening when the bimodal spring member is in the first stable position such that it does not extend through the opening when the bimodal spring member is in the second stable position.

35. (Original) A method according to claim 34, wherein, in the foot-engaging position, the foot-engaging portion of the foot-receiving device engages a user's heel.

36. (Original) A method according to claim 34, wherein, in the foot-engaging position, the foot-engaging portion of the foot-receiving device engages a user's toes.

37. (Original) A method according to claim 34, wherein the bimodal spring member is moved from the first stable position to the second stable position by a user's foot.

Claim 38. (Canceled).

39. (Currently Amended) A method of engaging an engaging device to another member, comprising:

orienting a bimodal spring member in a first stable position to place an engaging portion of the engaging device in an open position, wherein the bimodal spring member includes a spring member having an exterior edge, an arm extending from the exterior edge, and the engaging

portion extending from the arm, and an arm/spring interface connecting between the spring member and the arm, wherein at least some portion of the arm/spring interface extends through an opening defined in the spring member when the bimodal spring member is in the first stable position; and

moving the bimodal spring member from the first stable position to a second stable position to thereby move the engaging portion of the engaging device to a closed position, wherein the moving includes moving the portion of the arm/spring interface that extends through the opening when the bimodal spring member is in the first stable position such that it does not extend through the opening when the bimodal spring member is in the second stable position.

Claim 40. (Canceled).

41. (New) A piece of footwear, comprising:

a shoe member; and

a foot-engaging element attached to the shoe member, wherein the foot-engaging element includes: (a) a bimodal spring member including an exterior edge, wherein the bimodal spring member is capable of maintaining a first stable position at which the exterior edge is located at a first position, and wherein the bimodal spring member is capable of maintaining a second stable position at which the exterior edge is located at a second position, and (b) an arm extending from the exterior edge of the bimodal spring member, wherein the arm is located at an open position when the exterior edge is located at the first position, wherein the arm is located at a closed position when the exterior edge is located at the second position, and wherein the foot-engaging element is located at a toe portion of the shoe member.

42. (New) A method of engaging a foot-receiving device with a user's foot, comprising:

orienting a bimodal spring member in a first stable position to place a foot-engaging portion of the foot-receiving device in a foot-accepting position, wherein the bimodal spring member includes an exterior edge, an arm extending from the exterior edge, and the foot-engaging portion extending from the arm; and

moving the bimodal spring member from the first stable position to a second stable position to thereby move the foot-engaging portion of the foot-receiving device to a foot-

engaging position, wherein, in the foot-engaging position, the foot-engaging portion of the foot-receiving device engages a user's toes.